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## **Appendix VII**

### **Letter from GBNEP to H-GAC**

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DRAFT

Mr. Jack Steele  
Executive Director  
Houston-Galveston Area Council  
P.O. Box 22777  
Houston, TX 77227

RE: COORDINATION OF THE TRACS AND GBNEP FEDERAL CONSISTENCY  
REVIEW PROCESS

Dear Mr. Steele:

As you are well aware, the Galveston Bay National Estuary Program (GBNEP) is developing a federal consistency review process as required by Section 320 of The Clean Water Act. Through several meetings with you, Steve Howard, Tom Adams (the State Single point of Contact, SPOC) and the federal consistency subcommittee, several issues have been identified and resolved concerning the coordination of the GBNEP consistency review process with TRACS. The purpose of this letter is to verify the agreement between Houston-Galveston Area Council (H-GAC) and the Galveston Bay Program (GBP) as to how the following will be accomplished:

- Coordination of the TRACS and GBNEP review processes.
- Coordination of state process recommendations (SPR), the mechanism for assuring that GBP comments are adequately included in the official SPR.

After the CCMP is approved, the Director of the GBP will receive from TRACS notice of all applications and notices of intent submitted to TRACS for any program or project listed in Table IA or IB. If a local application is submitted directly to H-GAC, by the federal assistance agency, H-GAC will send notice of the application to the GBP. The GBP will receive these notices within five days from the date H-GAC received the application. If it is a local application, the GBP will coordinate with H-GAC on the review schedule, but will send its formal comments to H-GAC no later than 53 days from the date TRACS received the application. H-GAC will include GBP comments in the SPR. If there is not concurrence between the two programs, the GBP comments will be attached to the SPR. If GBP requests accommodation, H-GAC will forward the accommodation request to the state SPOC within 53 days from the date the application was received by TRACS. This review and comment process is presented in Figures 3 and 4, attached.

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It is important to ensure that the GBP's recommendations on federal actions are adequately represented in the SPR. Subchapter B of the Texas Administrative Code (TAC) provides much of that assurance. According to 1 TAC Section 5.251:

at the written request of the governing body of a regional review agency (in this case H-GAC), the state SPOC shall, in writing, inform the federal agency proposing direct federal development or from which financial assistance is requested that the State of Texas or its political subdivisions have serious objections with regard to the proposal for which funding is sought. This determination can be made irrespective of whether the program or activity was selected for coverage under the Texas Review and Comment System (TRACS). Objections must be based on law, fact, or regulation and may address any aspect of a project or proposal, including environmental concerns, that makes it unacceptable to the jurisdiction(s) in the project area.

This will ensure that all GBP recommendations which are coordinated with and are in concurrence with H-GAC comments are adequately represented.

You have further assured us that any request for accommodation submitted to the SPOC by the GBP in the absence of H-GAC comments or concurrence (in accordance with 1 TAC Section 5.253) will be transmitted to the federal agency. According to Section 5.253:

any political subdivision of the state (in this case GBP) which can demonstrate a probable adverse impact on its jurisdiction from a proposed project may, when the regional review agency gives the project a favorable review, request that the review, with dissents, be transmitted to the funding agency by the state SPOC, thereby initiating the federal accommodation process as described in Section 5.251.

The GBP appreciates the efforts which you and your staff have made to help coordinate the TRACS and GBNEP federal consistency review processes. This coordination effort has helped to enhance the states comment and review system without causing time delays in the process.

Sincerely,

Frank S. Shipley  
Director

Attachments